

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER BOHN, CAMERON POND,
and DESTINEE SANDERS, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

REALPAGE, INC.; GREYSTAR REAL
ESTATE PARTNERS, LLC; LINCOLN
PROPERTY CO.; FPI MANAGEMENT, INC.;
MID-AMERICA APARTMENT
COMMUNITIES, INC.; AVENUE5
RESIDENTIAL, LLC; EQUITY
RESIDENTIAL; CAMDEN PROPERTY
TRUST; ESSEX PROPERTY TRUST, INC.;
THRIVE COMMUNITIES MANAGEMENT,
LLC; SECURITY PROPERTIES INC.; B/T
WASHINGTON, LLC d/b/a BLANTON
TURNER; and INDEPENDENCE REALTY
TRUST, INC.,

Defendants.

No. 2:22-cv-01743

STIPULATED MOTION AND
ORDER SUSPENDING
DEADLINE FOR CERTAIN
DEFENDANTS TO RESPOND TO
COMPLAINT

Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiffs Christopher Bohn, Cameron Pond, and Destinee Sanders (collectively, "Plaintiffs") and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential, LLC, Equity Residential, Camden Property Trust, Essex Property Trust, Inc., Thrive Communities Management, LLC, Security Properties Inc., B/T Washington, LLC d/b/a Blanton Turner, and Independence Realty

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1 Trust, Inc. (collectively, the “Stipulating Defendants”), by and through their respective counsel,
2 hereby stipulate as follows:

3 WHEREAS, Plaintiffs filed a Class Action Complaint (the “Complaint”) on December
4 9, 2022. ECF No. 1.

5 WHEREAS, Plaintiffs served the Stipulating Defendants with process on or about
6 January 20, 23, 24, and 26, 2023 and February 6, 2023.

7 WHEREAS, the Complaint asserts claims under Section 1 of the Sherman Act based on
8 the alleged use of RealPage, Inc.’s revenue management software.

9 WHEREAS, as of the date of this filing, the parties are aware that one or more of the
10 Stipulating Defendants are named in multiple other lawsuits, in District Courts in Arizona,
11 California, Colorado, the District of Columbia, Florida, Massachusetts, Tennessee, Texas, and
12 other cases in Washington, asserting claims under Section 1 of the Sherman Act based on the
13 alleged use of RealPage, Inc.’s revenue management software.

14 WHEREAS, on January 4, 2023, certain Stipulating Defendants and defendants named
15 in other actions filed a motion pursuant to 28 U.S.C. §1407 before the U.S. Judicial Panel on
16 Multidistrict Litigation to transfer this case and others to the U.S. District Court for the
17 Northern District of Texas for consolidated pretrial proceedings;

18 WHEREAS, Plaintiffs and the Stipulating Defendants have conferred and agreed that
19 party and judicial efficiency would be best served by suspending, for a short period of time, the
20 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the
21 Complaint.

22 WHEREAS, similar orders have been entered in other related cases subject to
23 Defendants’ MDL Petition, including: *Weaver v. RealPage, Inc. et al.*, No. 1:22-cv-03224 (D.
24 Colo.), *Navarro v. RealPage, Inc. et al.*, No. 2:22-cv-01552 (W.D. Wash.), *Alvarez et al. v.*
25 *RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*,

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1 No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712
2 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.);

3 WHEREAS, Plaintiffs and the Stipulating Defendants have conferred and agree that the
4 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the
5 Complaint should be suspended and should be set on the same date as the deadline ultimately
6 established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry*
7 *et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage,*
8 *Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No.
9 2:22-cv-01726 (W.D. Wash.).

10 WHEREAS, Plaintiffs and the Stipulating Defendants have agreed to file a joint status
11 report with the Court by April 21, 2023.

12 In making this stipulation, the Stipulating Defendants do not waive, in this or any other
13 action, any (i) defenses or arguments for dismissal that may be available under Fed. R. Civ. P.
14 12; (ii) affirmative defenses under Fed. R. Civ. P. 8, including defenses based on class action
15 waivers; (iii) other statutory or common law defenses that may be available; or (iv) right to
16 seek or oppose any reassignment, transfer, or consolidated alternatives, including to seek
17 arbitration. The Stipulating Defendants expressly reserve their rights to raise any such defenses
18 (or any other defense) in response to either the Complaint or any original, amended, or
19 consolidated complaint that may be filed in this or any other action.

20 THEREFORE, Plaintiffs and the Stipulating Defendants stipulate and agree to suspend
21 the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to
22 the Complaint and request that the Court enter the subjoined order pursuant to this stipulation.

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24 STIPULATED to this 10th day of February, 2023.

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We certify that this memorandum contains
2,001 words, in compliance with the Local Civil
Rules.

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ORDER

THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Certain Defendants to Respond to the Complaint. Now, therefore, IT IS HEREBY ORDERED THAT:

The deadline for Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential, LLC, Equity Residential, Camden Property Trust, Essex Property Trust, Inc., Thrive Communities Management, LLC, Security Properties Inc., B/T Washington, LLC d/b/a Blanton Turner, and Independence Realty Trust, Inc. to answer, move to dismiss, or otherwise respond to the Complaint is hereby suspended and shall be set on the same date as the deadline ultimately established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.).

Plaintiffs and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential, LLC, Equity Residential, Camden Property Trust, Essex Property Trust, Inc., Thrive Communities Management, LLC, Security Properties Inc., B/T Washington, LLC d/b/a Blanton Turner, and Independence Realty Trust, Inc. shall file a joint status report with the Court by April 21, 2023.

Dated this 13th day of February, 2023.



Robert S. Lasnik
United States District Judge